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Objections in the planning approval procedure for landfills - examination

Heruntergeladen am 08.06.2025

<https://fimportal.de/xzufi-services/106353636/L100027>

Modul	Sachverhalt
Leistungsschlüssel	99012033029000, 99012033029000
Leistungsbezeichnung I	Objections in the planning approval procedure for landfills - examination
Leistungsbezeichnung II	
Typisierung	2 - Bundesauftragsverwaltung: Regelung
Quellredaktion	Mecklenburg-Vorpommern
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Baurecht (012)
Verrichtungskennung	Prüfung (029)
SDG-Informationsbereich	

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Lagen Portalverbund	
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	26.03.2015
Fachlich freigegeben durch	Ministry of Economy, Construction and Tourism M-V
Handlungsgrundlage	§ Section 38 of the Closed Substance Cycle Waste Management Act in conjunction with Section 73 of the Federal Administrative Procedure Act
Teaser	
Volltext	<p>The construction, operation and substantial modification of landfills require special official approval. In principle, the competent authority grants this approval to the applicant in a strictly formalized administrative procedure, the so-called plan approval procedure. Approval for the construction or substantial modification of the landfill is granted in the form of a zoning decision. The core of the plan approval procedure is public participation within the framework of a special hearing procedure. For this purpose, the applicant's application documents are generally made available for inspection for a period of one month in the municipalities in which the landfill project is expected to have an impact. The detailed circumstances of the display as well as the procedure for raising objections and submitting comments will be announced by the municipalities in accordance with local custom.</p> <p>In particular, citizens whose own interests are affected by the landfill project can raise their objections to the project with the competent planning authority (the respective State Office for Agriculture and the Environment) or with the municipality that has made the display until the end of the so-called objection period. The period during which objections can be raised (known as the objection period) begins at the end of the display period. Objections can, however, also be raised during the display period, i.e. before the start of the actual objection period. The objection period ends two weeks after the end of the display</p>

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period. After the end of the objection period, no further objections to the project can be raised. Therefore, all objections are excluded once the objection period has expired. There is an exception in particular for objections based on special titles under private law. Objections must be raised in writing or recorded. Objections raised orally or by telephone are not sufficient. Only those persons whose own rights or interests worthy of protection may be affected by the landfill project are entitled to raise objections.

In addition, recognized nature conservation and environmental associations with legal standing are entitled to submit comments on the project within the objection period.

After expiry of the objection period, the competent authority discusses the objections raised in good time and comments submitted in good time at a separate meeting with the parties concerned, the objectors and the nature conservation and environmental associations involved. The date of the hearing shall be announced by the competent authority in good time in advance. The competent authority shall conclude the discussion within three months of the expiry of the objection period. The discussion is intended to establish the facts and aspects relevant to the evaluation of the landfill project. The discussion thus serves to determine the material for consideration that is required for the subsequent decision of the competent authority on the planning approval of the landfill project.

Erforderliche Unterlagen

Voraussetzungen

In order to be taken into account in the further proceedings, the objection raised by the citizen must at least indicate in broad outline

- a) for which own rights or own interests worthy of protection
- b) by which effects of the landfill project
- c) in which spatial context

in which spatial context an impairment is feared.

Kosten

No fees are charged to objectors for the official receipt, examination and discussion of objections raised.

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Verfahrensablauf	<ul style="list-style-type: none"> • Submission of a written - if necessary also electronic - application with the associated application documents by the applicant to the competent authority. <ul style="list-style-type: none"> • Consultation of affected authorities by the competent authority • Execution of public participation in a separate hearing procedure with interpretation of the plan, opportunity to raise objections and submit comments, as well as a public hearing • Official review of the approval requirements on the basis of the application documents and comments from the specialist authorities, and consideration of the results of the separate hearing procedure - in particular the discussion meeting. • Official decision on the granting of planning approval • Announcement of the official decision
Bearbeitungsdauer	depending on the individual case
Frist	<p>Citizens must ensure that they submit their objections in good time, i.e. within the objection period. The objection period ends two weeks after the expiry of the display period. After the end of the objection period, no further objections to the project can be raised. Therefore, all objections are generally excluded once the objection period has expired. There is an exception in particular for objections based on special titles under private law.</p>
weiterführende Informationen	
Hinweise	
Rechtsbehelf	
Kurztext	
Ansprechpunkt	State Offices for Agriculture and Environment - Department 5 (Immission and Climate Protection, Waste and Recycling Management)
Zuständige Stelle	The State Office for Agriculture and Environment - Department 5 (Immission and Climate Protection, Waste and Recycling Management), in whose office

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	area, according to the planning of the applicant, the site of the applied for landfill shall be located.
Formulare	
Ursprungsportal	Einwendungen im Planfeststellungsverfahren für Deponien - Prüfung, Objections in the planning approval procedure for landfills - examination